

uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, (bottle, Spanish) "Pills * * * For The Kidneys * * * act directly over the * * * urinary tract," (wrapper, English and Spanish) "Backache Kidney Pills [Spanish, 'Pills For The Kidneys'] * * * for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder such as Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding Urine, and Urinary Troubles," (circular, English and Spanish) "Backache Kidney Pills [Spanish, 'Pills For the Kidneys'] * * * for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder * * * if relief is not noticed, increase the dose * * *. When relief is noticed the dose may be reduced * * * a good medicine," and the design or device, appearing on the bottle label, wrapper, and circular, of a cut of a figure about waist length, rear view, slightly stooped, with head turned toward right, hands pressing on flanks, and inscription on arms, shoulders, and back, "Foster's Backache * * * Pills," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 19, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12076. Adulteration and misbranding of chocolate bars and chocolate cigars. U. S. v. National Cocoa & Chocolate Co., a Corporation, and Leon Henry. Plea of guilty. Fine, \$25. (F. & D. No. 16561. I. S. Nos. 8513-t, 15450-t, 15526-t, 15527-t.)

On or about April 16, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Cocoa & Chocolate Co., a corporation, Hoboken, N. J., and Leon Henry, Hoboken, N. J., treasurer of the said corporation, alleging shipment by said defendants, in violation of the Food and Drugs Act, in various consignments, namely, on or about September 27, October 20, and November 18, 1921, respectively, from the State of New Jersey into the State of New York, and on or about November 1, 1921, from the State of New Jersey into the State of Maryland, of quantities of chocolate bars and chocolate cigars which were adulterated and misbranded. The articles were labeled in part, respectively: "Hector Bar National Cocoa Chocolate Co. 803 Clinton Street, Hoboken, N. J.;" "Chocolate Cigars National Cocoa Chocolate Co. 803 Clinton Street, Hoboken, N. J."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that foreign fat was present, that cocoa fat had been abstracted from the said articles, and that they contained excessive cocoa shells.

Adulteration of the articles was alleged in the information for the reason that certain substances, to wit, foreign fat and excessive shells (or excessive cocoa shells), had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for the said articles. Adulteration was alleged for the further reason that a valuable constituent of the articles, to wit, cocoa fat, had been in part abstracted.

Misbranding of the chocolate bars was alleged for the reason that the article was a mixture composed in part of foreign fat and excessive shells, prepared in imitation of, to wit, chocolates, and was offered for sale and sold under the distinctive name of another article, to wit, chocolates.

Misbranding of the chocolate cigars was alleged for the reason that the statement, to wit, "Chocolate Cigars," borne on the boxes containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article consisted wholly of chocolate, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of chocolate, whereas, in truth and in fact, it did not so consist but did consist in part of foreign fat and excessive cocoa shells. Misbranding was alleged for the further reason that the article was a mixture composed in part of foreign fat and excessive cocoa shells, prepared in imita-

tion of chocolate cigars, and was offered for sale and sold under the distinctive name of another article, to wit, chocolate cigars.

On May 2, 1923, a plea of guilty was entered to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12077. Adulteration and misbranding of lemon pie filling. U. S. v. 25 Cases of Good Luck Lemon Pie Filling. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16261. I. S. No. 8147-t. S. No. E-3861.)

On May 3, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of Good Luck lemon pie filling, at Easton, Pa., consigned by the Good Luck Food Co., Inc., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about April 4, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Good Luck Food Co., Inc. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, imitation lemon pie filling, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing the following statements, designs, and devices regarding the article and the ingredients and substances contained, which were false and misleading: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Lemon Pie Filling." Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 26, 1924, the Good Luck Food Co., Inc., Rochester, N. Y., having withdrawn its answer denying the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12078. Adulteration of mineral water. U. S. v. 12 Demijohns of Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17865. I. S. No. 775-v. S. No. E-4504.)

On or about October 17, 1923, the United States attorney for the Eastern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 demijohns of mineral water, at Savannah, Ga., alleging that the article had been shipped by the Shivar Springs, Inc., from Shelton, S. C., October 8, 1923, and transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "4 7/8 Gallons Shivar Spring Water * * * N. F. Shivar * * * From the Shivar Spring Shelton, S. C."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12079. Misbranding of canned tomatoes. U. S. v. 578 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction (F. & D. Nos. 18080, 18081. I. S. No. 798-v. S. No. E-4594.)

On December 1, 1923, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 578 cases of tomatoes, at Charleston, S. C., alleging that the article had been shipped by Arrington Bros., from Montvale, Va., September 29, 1923, and transported from the State of Virginia into the State